S.B.CIVIL WRIT PETITION NO.6594/2005
Dhanaram & Ors. v. State of Raj.& Ors.
Date of Order :: 3rd December, 2005

HON'BLE MR.JUSTICE GOVIND MATHUR

Ms. Nupur Bhati]
Mr. P.S.Bhati] for the petitioners.
Mrs.R.R.Kanwar, Addl.Govt.Advocate.
Mr. Sajjan Singh, for the respondents.

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By this petition for writ a direction is sought by the petitioners for the respondents to act in accordance with sanctioned plan of Pradhaanmantri Gram Sadak Yojna by constructing a road connecting village Punasar Khurd to Bapini road from km.1st of Punasar-Bapini road to Vishwakarma Temple. An order for restrainment is also sought by the petitioner for making tar road towards km.4th of Punasar-Bapini road to Punasar Khurd being not sanctioned one.

According to the petitioners under Pradhaanmantri Gram Sadak Yojna a BT road was sanctioned to connect the habitation of Punasar Khurd village by initial alignment of the road from km.4th of Punasar-Bapini road to Punasar Khurd. A change was made at the time of transect walk and road was proposed from km.1st of Punasar-Bapini road to Vishwakarma Temple. According to the petitioners the respondents on 17.10.2005 again finalised the old route ignoring the positive approval of the road proposed from km.1st Punasar road to Vishwakarma Temple. Being aggrieved by the same the present writ petition is preferred by the petitioners.

A reply to the writ petition is filed on behalf of the respondents stating therein that the BT road was sanctioned to connect habitation of Punasar Khurd village and Zila Parishad Jodhpur in the larger interest of public and looking to technical feasibility decided to sanction construction of road from km.4th Punasar-Bapini road to Punasar Khurd. The relevant portion of the reply to the writ petition worth to be quoted:-

> "It is submitted that after undertaking the transect walk, approval of the Zila Parishad and considering technical feasibility and viability, it was decided to carve out the road from kms.4th of punasar-Bapini road to Punasar Khurd (via Government Upper Primary School, Lolon ki Dhani Punasar Khurd having 150 children. Government Sikshkarmi Primary School, Kherla Nada having 250 children and Rajiv Gandhi School, Paunon ki Dhani having 50 children and thus, it is clear that it will cover more clusters of the habitations as well as it will also cover three more schools and thereby a more access to the road, will be provided to the public at large. The work is absolutely having object sought to be achieved i.e. to connect more habitation to the road.
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> It is relevant to mention here that the Gram Panchayat passed the resolution dated 22.6.2005 and approved the aforesaid route. The transect walk was also conducted on 22.6.2005 and factual report was prepared. A copy of the resolution and factual report is being filed herewith and marked as Annexure-R-1 and Annexure-R-2 respectively.

> Thereafter the aforesaid proposal was further approved by the Zila Parishad, Jodhpur vide their meeting dated 23.9.2005. Consequent upon the aforesaid change in alignment and duly approved by the Zila Parishad, Jodhpur the matter was moved to the Chief Engineer, P.W.D., Jaipur and from where vide letter dated 7.11.2005 it was informed to the Superintending Engineer, P.W.D., Circle, Jodhpur that sanction for construction of the road as per new alignment "Punasar-Bapini Road to Pauo ki Dhani. A copy of the letter dated 7.11.2005 is also submitted herewith and marked as Annexure-R-3."

From reading of reply of the State Government it is clear that the decision is taken by the respondents in larger public interest which does not require any interference by this Court under Article 226 of the Constitution of India. The petitioners also failed to show their any right adversely effected by constructing road from km.4th Punasar-Bapini Road to Punasar Khurd.

In view of whatever discussed above, I do not find any merit in the writ petition. The same, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.